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EOLAS TECHNOLOGIES
INCORPORATED; and THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE INC.,

Plaintiff,

v.

EOLAS TECHNOLOGIES, INC.; and
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA,

Defendants.

Case No. 13-CV-05997-JST

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
GOOGLE INC. TO RESPOND TO
DEFENDANTS' COUNTERCLAIMS**

1 Pursuant to Civil Local Rules 6-2, 7-12, and 16-2 Plaintiff Google Inc. (“Google”), and
2 Defendants Eolas Technologies Incorporated (“Eolas”) and The Regents of the University of
3 California (“the Regents”) (collectively, “Defendants”) hereby stipulate through their respective
4 counsel of record as follows:

5 WHEREAS, on January 2, 2014 and January 3, 2014, Google served a complaint seeking
6 a declaratory judgment of non-infringement of United States Patent Nos. 8,082,293 and 8,086,662
7 (hereinafter “patents-in-suit”) on Defendants (Dkt. 1);

8 WHEREAS, Defendants filed an answer and counterclaims on July 8, 2014 (Dkt. 76), and
9 a corrected answer and counterclaims on July 22, 2014 (Dkt. 83), in which Eolas asserted patent
10 infringement counterclaims against Google (hereinafter “Counterclaims”);

11 WHEREAS, Eolas filed a Motion to Dismiss on July 8, 2014 (Dkt. 77) (hereinafter
12 “Second Motion to Dismiss”), and a Corrected Motion to Dismiss on July 15, 2014 (Dkt. 78)
13 (hereinafter “Corrected Second Motion to Dismiss”), in which it moved to dismiss with prejudice
14 Eolas’s Counterclaims of infringement of the patents-in-suit, and to dismiss without prejudice
15 Google’s declaratory judgment claims of non-infringement;

16 WHEREAS, the Regents filed a notice of joinder in Eolas’s Corrected Second Motion to
17 Dismiss on July 29, 2014 (Dkt. 84);

18 WHEREAS, Google’s responded to Defendants’ Corrected Second Motion to Dismiss on
19 August 19, 2014 (Dkt. 87);

20 WHEREAS, Eolas filed a Reply to its Corrected Second Motion to Dismiss on September
21 9, 2014 (Dkt. 88) and a Corrected Reply on September 12, 2014 (Dkt. 89);

22 WHEREAS, Google sought leave to file a sur-reply to Eolas’s Corrected Second Motion
23 to Dismiss on September 18, 2014 (Dkt. 90);

24 WHEREAS, Defendants filed a Response to Google’s Motion for Leave to File a Sur-
25 reply on September 22, 2014 (Dkt. 91);

26 WHEREAS, the Court vacated the hearing on the Corrected Second Motion to Dismiss on
27 September 30, 2014 (Dkt. 92);

1 WHEREAS, Google's response to Eolas' Counterclaims is currently due October 24,
2 2014;

3 WHEREAS, the parties have agreed that the lawsuit should be dismissed in its entirety
4 and absent an extension, the parties will expend additional time and resources on a lawsuit that
5 may be dismissed;

6 WHEREAS, the parties have agreed to extend Google's deadline to respond to Eolas's
7 Counterclaims by three weeks in order to allow the Court to rule on the dismissal of the litigation;

8 WHEREAS, good cause exists to extend the current deadline for Google's response to
9 Eolas's Counterclaims, to allow the Court to rule on Eolas's pending Corrected Second Motion to
10 Dismiss and to avoid the expenditure of time and resources until the scope of dismissal is
11 determined;

12 NOW THEREFORE, the parties through their undersigned counsel hereby stipulate and
13 request that the Court grant, pursuant to Civil L.R. 6-2 that:

- 14 • The time for Google to respond to Defendants' Counterclaims be extended until
15 November 14, 2014.

16 IT IS SO STIPULATED.
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1 Dated: October 15, 2014

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3 By: /s/ Jonathan K. Waldrop
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13 Attorneys for Plaintiff
14 GOOGLE INC., INC.

15 Dated: October 15, 2014

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UNIVERSITY OF CALIFORNIA

1 I hereby attest pursuant to L.R. 5.1(i)(3) that concurrence in the electronic filing of this
2 document has been obtained from the other signatories.

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4 Dated: October 15, 2014

/s/ Robert P. Watkins III
Robert P. Watkins III

~~PROPOSED~~ ORDER

The Court having considered the stipulation of the parties, orders as follows:

- The time for Google to respond to Defendants' Counterclaims is extended until November 14, 2014;

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: October 16, 2014

